

Tenn. Code Ann. § 49-7-202

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*** CURRENT THROUGH THE 2010 REGULAR SESSION ***

Title 49 Education
Chapter 7 Postsecondary and Higher Education Generally
Part 2 Tennessee Higher Education Commission

Tenn. Code Ann. § 49-7-202 (2011)

49-7-202. Duties.

(a) It is the duty of the commission on a continuing basis to study the use of public funds for higher education in this state and to analyze programs and needs in the field of higher education.

(b) The commission shall, in addition, undertake specific duties that are directed by resolution of the general assembly or are requested by the governor.

(c) In the discharge of its duties pursuant to subsections (a) and (b), it is also the duty of the commission to:

(1) Develop a statewide master plan for future development of public universities, community colleges and technology centers with input from the board of regents and the University of Tennessee board of trustees. The commission shall engage public universities, community colleges and technology centers for input during the creation of the master plan. The commission shall construct a statewide master plan that directs higher education to be accountable for increasing the educational attainment levels of Tennesseans. This master plan shall be reviewed and revised as deemed appropriate by the commission. This plan shall include, but not be limited to, the consideration of the following provisions:

(A) Addressing the state's economic development, workforce development and research needs;

(B) Ensuring increased degree production within the state's capacity to support higher education; and

(C) Using institutional mission differentiation to realize statewide efficiencies through institutional collaboration and minimized redundancy in degree offerings, instructional locations and competitive research;

(2) In consultation with the respective governing boards, approve institutional mission statements concurrent with the adoption of each revised statewide master plan. An institutional

mission statement shall characterize the institution by stating its distinctiveness in degree offerings by level and focus and student characteristics, including, but not limited to, nontraditional students and part-time students, and shall address institutional accountability for the quality of instruction, student learning and, where applicable, research and public service to benefit Tennessee citizens. Nothing contained in this section shall prohibit any institution from pursuing research and related activities that are consistent with the institution's mission;

(3) Make recommendations to the governing boards of the various institutions and the governor, as well as the general assembly, through the education committees of the senate and the house of representatives on the implementation of the master plan. Funding recommendations made by the commission shall reflect the priorities of the approved master plan. In developing the master plan, the commission shall engage regional and statewide constituencies to ensure that the document supports the development of a public agenda to provide higher education opportunities to benefit Tennessee citizens. In doing so, the commission shall establish a master plan that requires a broad degree of regional cooperation between postsecondary institutions with secondary institutions and business, civic and community leaders;

(4) Develop, after consultation with the board of regents and the University of Tennessee board of trustees, policies and formulae or guidelines for fair and equitable distribution and use of public funds among the state's institutions of higher learning that are consistent with and further the goals of the statewide master plan. The policies and formulae or guidelines shall result in an outcomes-based model. In developing an outcomes-based model, the commission shall consider factors unique to community colleges. This model shall emphasize outcomes across a range of variables that shall be weighted to reinforce each institution's mission and provide incentives for productivity improvements consistent with the state's higher education master plan. These outcomes shall include end of term enrollment for each term, student retention, timely progress toward degree completion and degree production and may also include, but not necessarily be limited to, student transfer activity, research and student success, as well as compliance with transfer and articulation principles in subsection (e);

(A) The policies and formulae or guidelines as are developed by the commission shall include provisions for capital outlay programs and operating expenses and shall be utilized to determine the higher education appropriations recommendation. The commission shall submit the revised higher education funding formula to the office of legislative budget analysis and the comptroller of the treasury no later than December 1 of each year. The commission shall also report any projected tuition increases for the next academic year to the office of legislative budget analysis and the comptroller of the treasury no later than December 1 of each year. The office of legislative budget analysis and the comptroller of the treasury shall each provide comments on the higher education funding formula to the chairs of the education and finance, ways and means committees of both houses of the general assembly;

(B) Additionally, the policies and formulae or guidelines shall provide for the consideration of the impact of tuition, maintenance fees and other charges assessed by each institution in determining the fair and equitable distribution of public funds as required by this subdivision (c)(4). The commission shall therefore review tuition, maintenance fees and other charges

assessed by each institution and make recommendations to the governing boards of the various institutions regarding adjustments;

(C) In the implementation of this function, the commission, in cooperation with the commissioner of finance and administration and the comptroller of the treasury, shall establish uniform standards of accounting, records and statistical reporting systems in accordance with accepted national standards, which standards shall be adhered to by the various institutions in preparing for submission to the commission statistical data and requests for appropriations;

(D) The commission shall have no authority for recommending individual technology centers' operating budgets nor in approving or disapproving the transfer of any funds between technology centers deemed necessary by the board of regents to carry out the provisions of Acts 1983, ch. 181. For fiscal years ending on and after June 30, 2013, the commission shall have no authority for recommending individual community colleges operating budgets or in approving or disapproving the transfer of any funds between community colleges as may be determined necessary by the board of regents;

(E) Before any subsequent amendment or revision to the formulae or guidelines for fair and equitable distribution and use of public funds among the state's institutions of higher education shall become effective, the amendment or revision shall be presented to the education and finance, ways and means committees of the senate and house of representatives for review and recommendation;

(5) Study the need for particular programs, departments, academic divisions, branch operations, extension services, adult education activities, public service activities and work programs of the various institutions of higher learning, with a particular view to their cost and relevance and to make recommendations to the respective governing boards of the various institutions for the purpose of minimizing duplication and overlapping of functions and services and to foster cooperative programs among the various institutions;

(A) The commission is authorized to make recommendations to the governing boards for the termination of existing on-campus and off-campus programs of those institutions set forth in § 49-7-203 that are determined by the commission to be unnecessarily duplicative. A copy of the recommendations shall be filed with the education committees of the house of representatives and senate;

(B) The governing boards of the institutions shall make a report annually on any such program terminations to the education committees of the house of representatives and senate, and a copy of the report shall be filed with the Tennessee higher education commission;

(C) [Deleted by 2010 Amendment.]

(D) This subdivision (c)(5) shall apply to area vocational-technical schools;

(6) Review and approve or disapprove all proposals for new degrees or degree programs or for the establishment of new academic departments or divisions within the various institutions of

higher learning;

(A) Determination of specific courses or course content, however, shall continue to be the exclusive function of the governing boards of the various institutions;

(B) This subdivision (c)(6) shall apply to state technology centers only if the schools grant degrees and shall apply only to those schools granting degrees, unless the system as a whole grants degrees;

(7) Conduct a program of public information concerning higher education in this state. This subdivision (c)(7) shall apply to state technology centers;

(8) Study and make determinations concerning the establishment of new institutions of higher learning, as to the desirability or undesirability of their establishment, their location, standards, functions, financing and source of governance. This subdivision (c)(8) shall apply to area vocational-technical schools;

(9) Submit a biennial report to the governor and the general assembly, commenting upon major developments, trends, new policies, budgets and financial considerations that, in the judgment of the commission, will be useful to the governor and to the general assembly in planning for the sound and adequate development of the state's program of public higher education. This subdivision (c)(9) shall apply to state technology centers;

(10) Review and approve or disapprove all proposals by any existing higher education institution to establish a physical presence at any location other than its main campus or to extend an existing location that will be utilized for administrative purposes or to offer courses for which academic credit is offered. If the new location will create or expand a physical presence out of state, the higher education institution shall, through its governing board, file with the commission a notice of intent to initiate out of state instructional activity prior to the development of the proposal. The commission shall, no later than February 15 of each year, report to the chairs of the fiscal review and education committees of any such notices filed in the previous year and the status of that application. The commission shall develop policies and procedures governing the process outlined in this subdivision (c)(10). This subdivision (c)(10) shall apply to state technology centers; and

(11) Within thirty (30) days following the submission of the budget by the governor to the general assembly, the commission shall prepare a report that analyzes the effect that off-site academic locations have on the distribution of formula funding to the main campuses. This report shall be provided to the governor, speakers of the senate and the house of representatives, the chairs of the finance, ways and means, education, and fiscal review committees, the office of legislative budget analysis and the commissioner of finance and administration.

(d) The commission shall establish and ensure that all postsecondary institutions in this state cooperatively provide for an integrated system of postsecondary education. The commission shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions.

(e) (1) The commission shall develop a university tract program within the University of Tennessee and the Tennessee board of regents systems consisting of sixty (60) hours of instruction that can be transferred and applied toward the requirements for a bachelor's degree at the public universities. The tract shall consist of forty-one (41) hours of general education courses instruction and nineteen (19) hours of pre-major courses instruction, or elective courses instruction that count toward a major, as prescribed by the commission, which shall consider the views of chief academic officers and faculty senates of the respective campuses. Courses in the university tract program shall transfer and apply toward the requirements for graduation with a bachelor's degree at all public universities.

(A) An associate of science or associate of arts degree graduate from a Tennessee community college shall be deemed to have met all general education and university parallel core requirements for transfer to a Tennessee public university as a junior. Notwithstanding this subdivision (e)(1)(A), admission into a particular program, school or college within the university or into the University of Tennessee, Knoxville shall remain competitive in accordance with generally applicable policies.

(B) The forty-one-hour lower division general education core common to all state colleges and universities shall be fully transferable as a block to, and satisfy the general education core of, any public community college or university. A completed subject category, for example, natural sciences or mathematics, within the forty-one-hour general education core shall also be fully transferable and satisfy that subject category of the general education core at any public community college or university.

(C) The nineteen-hour lower division AA/AS area of emphasis articulated to a baccalaureate major shall be universally transferable as a block satisfying lower division major requirements to any state university offering that degree program major.

(2) It is the legislative intent that community college students who wish to earn baccalaureate degrees in the state's public higher education system be provided with clear and effective information and directions that specify curricular paths to a degree. To meet the intent of this section, the commission, in consultation with the board of regents and the University of Tennessee board of trustees, shall develop, and the board of regents and the University of Tennessee board of trustees shall implement, the following:

(A) A common course numbering system, taking into consideration efforts already undertaken, within the community colleges to address the requirements of subdivision (e)(1); and

(B) Listings of course offerings that clearly identify courses that are not university parallel courses and therefore not designed to be transferable under the provisions of subdivision (e)(1).

(3) The provisions of this subsection (e) shall be fully implemented no later than the fall 2011 semester. Beginning with the fall 2010 semester and continuing until this subsection (e) is fully implemented, prior to the beginning of each semester, the commission shall report to the chairs of the education and finance, ways and means committees of both the house of representatives

and the senate on the progress made toward completion of the nineteen (19) pre-major course blocks provided in subdivision (e)(1)(C).

(f) The commission shall have ongoing responsibility to update and revise the plans implemented pursuant to subsections (d) and (e) and report to the chairs of the education and finance, ways and means committees in both the house of representatives and the senate no later than October 1 of each year on the progress made toward full articulation between all public institutions.

(g) Notwithstanding any law or rule to the contrary, the commission, in consultation with the board of regents and the University of Tennessee board of trustees, shall develop policies under which any person who satisfies the admissions requirements of any two-year institution governed by the board of regents and any four-year institution governed by the board of regents or the University of Tennessee board of trustees may be admitted to both such institutions. These policies shall be adopted and implemented by the board of regents and the University of Tennessee board of trustees no later than July 1, 2010.

(h) (1) The commission, with the assistance of the University of Tennessee system and the state university and community college system, shall develop information concerning the potential career opportunities in each curriculum or major field of study leading to a baccalaureate degree that is offered at a state institution of higher education. The information shall include, but not be limited to, the potential job market in this state in the major field or curriculum after graduation, the median income or an income range for jobs in the major field or curriculum in this state and whether an advanced degree in the major field or curriculum is required to obtain employment in that field.

(2) The commission may use the expertise of volunteers or committees of volunteers to develop the information required by this subsection (h). No volunteer shall be paid or reimbursed for any expenses incurred in assisting the commission in its efforts to develop the information.

(3) The information developed concerning career opportunities for curricula and major fields of study under subdivision (h)(1) shall be posted on the commission's web site. A link to the information developed by the commission, together with a brief description of the type of information available, shall be posted on the web site of each state institution of higher education offering baccalaureate degrees. The institutions shall not be required to publish the information developed by the commission in school catalogs, but school catalogs shall include, in a prominent location, the URL for the information and a brief description of the type of information that is available.

(4) The information shall be updated at least annually.

(i) As part of the commission's master planning and funding formulae responsibilities, as outlined in this section, the commission shall establish a review committee to aid in development or revision of the higher education master plan and funding formulae. The committee shall include the executive director of the higher education commission, the chancellor of the board of regents, the president of the University of Tennessee, the commissioner of finance and administration, the comptroller of the treasury, the chairs of the standing committees on

education and finance, ways and means of the senate and the house of representatives and the director of the office of legislative budget analysis or their designees. The review committee shall meet at least annually. The committee shall regularly review the funding formula components, as well as identify needed revisions, additions or deletions to the formula. The committee shall also ensure that the funding formula is linked to the goals and objectives of the master plan. The committee shall prepare an annual report on its recommendations and shall make that report to the governor, the select oversight committee on education and the members of the education and finance committees of the senate and the house of representatives by November 1 of each year.

HISTORY: Acts 1967, ch. 179, §§ 2, 3; 1980, ch. 901, § 1; 1983, ch. 427, §§ 1-4; T.C.A., §§ 49-4202, 49-4203; Acts 1990, ch. 1024, § 27; 1991, ch. 451, § 44; 1994, ch. 685, § 3; 2000, ch. 795, § 1; 2000, ch. 836, § 1; 2001, ch. 433, § 3; 2004, ch. 882, §§ 1, 2, 3, 4; 2005, ch. 328, § 1; 2005, ch. 419, § 1; 2008, ch. 863, § 1; 2010 (1st Ex. Sess.), ch. 3, §§ 2-6.

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